

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT DAMON CLARK,
Petitioner,
v.
CHARLES DANIELS, *et al.*,
Respondents.

Case No. 3:21-cv-00276-HDM-CLB

ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, by Robert Damon Clark, an individual incarcerated at the Northern Nevada Correctional Center. Clark initiated this action on June 21, 2021, by submitting his habeas petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF No. 1). On July 6, 2021, the Court denied Clark's *in forma pauperis* application because it was incomplete. See Order entered July 6, 2021 (ECF No. 3). On July 28, 2021, Clark filed a new, complete *in forma pauperis* application (ECF No. 4). Based on the information provided with Clark's new *in forma pauperis* application (ECF No. 4), the Court will grant that application. Clark will not be required to pay the filing fee for this action.

The Court has examined Clark's petition, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and the Court determines that it merits service upon the Respondents. The Court will order the petition served upon Respondents and will set a schedule for Respondents to appear and respond, and for further proceedings in this action.

IT IS THEREFORE ORDERED that Petitioner's Application to Proceed in Forma Pauperis (ECF No. 4) is granted. Petitioner will not be required to pay the filing fee for this action.

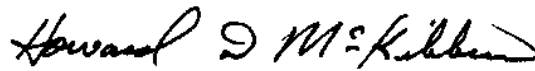
1 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to separately
2 file the Petition for Writ of Habeas Corpus (ECF No. 1-1).

3 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add Aaron
4 Ford, Attorney General of the State of Nevada, as counsel for Respondents and to
5 provide Respondents an electronic copy of all items previously filed in this case by
6 regenerating the Notice of Electronic Filing to the office of the Attorney General only.

7 **IT IS FURTHER ORDERED** that Respondents will have 30 days from the date of
8 this order to appear in this action, and Respondents will have 90 days from the date of
9 this order to answer or otherwise respond to the habeas petition.

10 **IT IS FURTHER ORDERED** that if Respondents file an answer, Petitioner will
11 have 60 days to file a reply to the answer. If Respondents file a motion to dismiss,
12 Petitioner will have 60 days to file a response to the motion to dismiss, and then
13 Respondents will have 30 days to file a reply to Petitioner's response.

14
15 DATED THIS 3rd day of August, 2021.

16
17 

18 _____
19 HOWARD D. MCKIBBEN,
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28